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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/172,665	10/15/1998	WATURA ITO	2091-0169P-S	9578

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EXAMINER	
AGGARWAL, YOGESH K	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/172,665	ITO, WATURA	
	Examiner	Art Unit	
	Yogesh K. Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,9 and 14-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,9 and 14-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/31/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 5, 9 and 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Fach (US Patent # 6,028,623) in view of Watanabe (US Patent # 5,528,293).

[Claim 1]

Fach teaches an image conversion system comprising a scanner (figure 1, optoelectronic transducer 3) which reads an image form a film (1) and generates a digital signal representing the image (11) (col. 3 line 56- col. 4 line 12). Fach also teaches that the film scanner generates data in the known DPX format (Digital Picture Exchange format) as shown in figures 2a, 2b and 2c

(col. 4 lines 25-29). Fach further teaches in figure 3 a TIFF format in which the image information data of the scanned film frame is transferred wherein TIFF is a standardized format, particularly used as a format for consumer applications (col. 4 lines 49-58) and is therefore a separate format form the digital image generation means (DPX). Fach also teaches a connected digital recorder which records the digital image signals 11 of the film scanner (col. 4 lines 20-25). Fach teaches that one of the advantages of the present invention is that by having a TIFF format generated by the film scanner, the film scanner can also provide image data for wider uses in the multimedia field and in consumer applications (col. 2 lines 48-59).

Fach fails to teach wherein the TIFF format is used in a digital camera and the recording medium used to record the images can be loaded in a digital camera. However Watanabe teaches a digital camera that stores images in a TIFF format into a memory card 30 (col. 6 lines 11-35, figure 3) in order to make it compatible to a number of PCs.

Therefore taking the combined teachings of Fach and Watanabe, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used TIFF format in a digital camera and stored in a memory card in order to make it compatible to a lot of types of personal computers as TIFF is a standard format for images and is currently supported by a lot of types of PCs as taught in Watanabe (col. 5 lines 44-50).

[Claims 5 and 9]

In regards to claims 5 and 9, see Examiner's notes on rejection of claim 1.

[Claims 15-17]

In regards to claims 15-17 see Examiner's notes on the rejection of claim 1, 5, and 9 respectively. Examiner notes that services such as an A/D converter, digital processing of image data, and storage in a memory card are exclusive to a digital camera.

5. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fach (US Patent # 6,028,623), Watanabe (US Patent # 5,528,293) and in further view of (USPN 6,253,023 to Fukushima).

[Claim 14]

In regards to claim 14 none of Fach or Watanbe disclose nor preclude a recording medium selecting means for selecting a desired recording medium from a plurality of types of recording mediums, which can be loaded into a digital camera.

Fukushima discloses a recording medium selecting means (column 12, lines 55-65; column 13, lines 11-21 and 33-44; column 27, line 55 – column 28, line 17). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Fukushima's recording medium selecting means since it is known in the art that various types of recording medium can be loaded in a digital camera.

6. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fach (US Patent # 6,028,623), Watanabe (US Patent # 5,528,293) and in further view of Newman et al. (US Patent # 5,432,906).

[Claim 18]

Fach teaches an image conversion system comprising a scanner (figure 1, optoelectronic transducer 3), which reads an image form a film (1) and generates a digital signal representing the image (11) (col. 3 line 56- col. 4 line 12). Fach also teaches that the film scanner generates

data in the known DPX format (Digital Picture Exchange format) as shown in figures 2a, 2b and 2c (col. 4 lines 25-29). Fach further teaches in figure 3 a TIFF format in which the image information data of the scanned film frame is transferred wherein TIFF is a standardized format, particularly used as a format for consumer applications (col. 4 lines 49-58) and is therefore a separate format form the digital image generation means (DPX). Fach also teaches a connected digital recorder which records the digital image signals 11 of the film scanner (col. 4 lines 20-25). Fach teaches that one of the advantages of the present invention is that by having a TIFF format generated by the film scanner, the film scanner can also provide image data for wider uses in the multimedia field and in consumer applications (col. 2 lines 48-59).

Fach fails to teach wherein the TIFF format is used in a digital camera and the recording medium used to record the images can be loaded in a digital camera. However Watanabe teaches a digital camera that stores images in a TIFF format into a memory card 30 (col. 6 lines 11-35, figure 3) in order to make it compatible to a number of PCs.

Therefore taking the combined teachings of Fach and Watanabe, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used TIFF format in a digital camera and stored in a memory card in order to make it compatible to a lot of types of personal computers as TIFF is a standard format for images and is currently supported by a lot of types of PCs as taught in Watanabe (col. 5 lines 44-50).

Fach in view of Watanabe fails to teach a color transformation means for transforming the digital image signal into a color space of an image taking system of a digital camera.

However Newman et al. teaches a digital scanner (figures 3a, 3b, element 10 (a)) that is used as an input device for scanning a source image from a film to create an electronic

representation of the image and the electronic image is provided to an image processor 14 which adjusts the color of the electronic image and forwards it to various output devices 16 for printing, display or transmission over a network 15 or any other communication channel (col. 4 lines 44-55). Newman further teaches a predetermined transform definition describing a unique transform for mapping the values representing each color of an image in a first color space to a different set of values in a different set of color space (col. 4 line 65-col. 5 line 2). Newman also teaches that a user can also create his own custom transform definition by selecting a set of colors from a palate of possible colors and can specify the desired changes to these color (col. 5 lines 2-14) and therefore it would be obvious to one skilled in the art that any color transform chosen by a user including a color transform for a digital camera will be generated. Newman states that the benefit of performing the color translation is to compensate for idiosyncrasies of the associated scanner (col. 5 lines 49-51).

Therefore taking the combined teachings of Fach, Watanabe and Newman, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a color transformation means for transforming the digital image signal into a color space of an image taking system of a digital camera in order to compensate for idiosyncrasies of the associated scanner as taught in Newman (col. 5 lines 49-51).

[Claim 20]

This is a method claim corresponding to apparatus claim 18 and is therefore analyzed and rejected based upon apparatus claim 18.

7. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fach (US Patent # 6,028,623), Watanabe (US Patent # 5,528,293), Newman et al. (US Patent # 5,432,906) and in further view of Fach (US PG-PUB # 2001/0012057).

[Claim 19]

Fach ('623), Watanabe and Newman fails to teach a selecting means selecting a desired format from a plurality of types of formats used for digital cameras. However Fach '057 teaches that a scanner (film scanner 3) that stores the images and are stored in a first frame store (5) after digitizing in the A/D converter (4) (Paragraph 13). Fach '057 further teaches that a keyboard is provided for selecting different preferred formats for the aspect ratio and the resolution of the relevant output frame (Paragraph 8). Fach '057 also teaches that the film scanner generates output frames in an arbitrary format and resolution which can be used in real time, for example for further processing in multimedia applications (Paragraph 3). Examiner notes that multimedia applications also include digital cameras as also taught by the combination of Fach '623 and Watanabe wherein Fach '623 generates TIFF format for multimedia applications and Watanabe uses TIFF format to store images in digital cameras.

Therefore taking the combined teachings of Fach, Watanabe and Newman, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a selecting means selecting a desired format from a plurality of types of formats used for digital cameras. The benefit of doing so would be that by determining the format for the output frame, a direct further processing on computer panels or in multimedia applications is made possible as taught in Fach '057 (Abstract).

[Claim 21]

This is a method claim corresponding to apparatus claim 19 and is therefore analyzed and rejected based upon apparatus claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
November 9, 2005

DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER